

**Livable Delaware Advisory Council
Del Tech Conference and Training Center Rm 427, Dover
January 13, 2003**

Minutes

Members Present: Lt. Governor John Carney, Chair
Peg Baunchalk
Joe Corrado
Nathan Hayward
John Hughes
Randy Marvel
Robert McLeod
Paul Morrill
Joe Myer
Richard Pryor
Marty Ross
Michael Scuse
Robert Stickels
Lee Ann Walling
Rick Woodin

Absent: Sen. Patricia Blevins
Judy Cherry
Sherry Freebery
Rep. Roger Roy

Others Present: Charles Baker, New Castle County
Karley Barnes, Budget Office
Phil Cherry, DNREC
Kevin F. Coyle, DNREC
Sherri Evans-Stanton, DNREC
Doug Gramiak, Lt. Gov's Office
Marcus Henry, DSHA
Connie Holland, OSPC
Karen Horton, DSHA
Herb Inden, OSPC
Sandy Johnson, DSHA
C.S. Kidner, DAR
Andrea Kreiner, Gov's Office
Steve Lefebvre, Homebuilders
Andy Lorenz, DSHA
Mike Mahaffie, OSPC
Phyllis McKinley, First State Manuf. Housing
Kevin McSweeney, State Fire Marshalls Office
Michael Murlowe, DAR
Christine Whitehead, Civic League of NCCo
David Edgell, Homebuilders
Lori Spagnolo, DNS
Peggy Strine, Citizens Bank
Ann Marie Townshend, OSPC

Mr. Carney called the meeting to order at 1:10 p.m. Mr. Carney asked the members to review the December, 2002 minutes. With 2 corrections on page 3, last paragraph. Change Mr. Wood to Mr. Woodin and in the last sentence ...council's concerns... to council's interest. With those corrections Mr. Woodin made a motion to accept the minutes as corrected, Ms. Baunchalk seconded.

Ms. Sandy Johnson, Director of the Delaware State Housing Authority gave a power point presentation on Affordable Housing. A booklet was handed out containing the presentation and back up material. There was discussion throughout the presentation concerning the numbers being used, particularly from Mr. Stickels and Mr. McLeod concerning Kent and Sussex vacant unit numbers. Mr. Hughes and Mr. Ross expressed concern about land use policies affecting the cost of affordable housing and wanted to make sure that the process did not only help people buying second homes in Kent and Sussex counties. Ms. Johnson will obtain more up to date numbers from the consultant they are using and present them at a future meeting.

At the end of the presentation Mr. Carney called for review and a vote to recommend to the Governor each of Ms. Johnson's draft legislations. 1) Private Contributions. Mr. Woodin made a motion to accept the draft. Ms. Walling seconded. Council passed unanimously. 2) Live Near Your Work Pilot Program. DSHA is looking for an employer in Sussex County. Ms. Walling asked why Sussex was being considered first. Ms. Johnson said that there has been interest shown by employers in Sussex. Ms. Walling made a motion to accept the proposal. Mr. Hayward seconded. In the discussion Mr. McLeod was uncertain as to what he was voting on. Mr. Walling and Mr. Carney said that the vote was for the concept of a pilot program with private enterprise. Mr. Woodin mentioned that similar programs are already in place at the University of Delaware, Citizens Bank and MBNA. The proposal was passed unanimously. 3) You are Home program. Mr. Hayward made a motion to accept the proposal. Mr. Stickles seconded. In the discussion Mr. Morrill wanted to know what steps there are to securing bond monies for this program, considering all the revitalization going on in Delaware City. Ms. Johnson said that Wilmington and Georgetown are currently defined as targeted areas by the Bond Resolution. Mr. Carney was concerned that this sub committee would go into a targeted area with different ideas as to defining revitalization areas. Mr. Stickles would like to see a provision giving priority to prior residence. Mr. Morrill would like to see the preservation program linked with the revitalization program. Mr. Baker suggested that the sub committee come back next month with specific guidelines for this piece of legislation. Mr. Carney agreed and said that the council will entertain a recommendation at the next meeting.

METRO GOVERNMENT:

Mr. Corrado mentioned that he has been looking for the study done by Governor DuPont some thirty years ago and cannot locate it. Mr. Hayward stated that it was called the Intergovernmental Task Force Report. Mr. Corrado said he was continuing to track it down through the University of Delaware. Mr. Corrado said that he would like to resurrect the concept of a metropolitan government in part because the state, in time, will be paying for the operations of the City of Wilmington due to the fact that it's infrastructure has not been taken care of. Mr. Carney said the Mayor has ideas on funding improvements. Mr. Carney asked for comments from Mr. Pryor and Mr. Baker. Mr. Pryor has concerns as to why this is not being looked at by the annexation committee. Mr. Baker mentioned that it is too broad a topic for the annexation sub committee to look at. Mr. Pryor said we should be looking at an intergovernmental

financing structure. Mr. Carney mentioned that he set up such a committee at the last meeting. He asked Mr. Corrado to chair it. Mr. Woodin, Mr. Stickles, Rep. Roy, Sen. Blevins, Mr. McDowell all were interested in sitting on the committee. Mr. Carney also suggested they recruit someone from the finance department. Mr. Corrado stated that "metro government" should look at redeveloping brownfields and existing vacant industrial sites and look at the cost of updating the infrastructure already in place. Mr. Carney stated that this concept has been discussed for thirty years and for political reasons nothing has ever happened. Mr. Pryor agreed. Mr. Carney suggested the annexation committee look at the city/county edge infrastructure. Mr. Hayward said that as far back as 25 years ago they were looking at state/municipal services beyond infrastructure, i.e. landfill, electric services, 90% of highway structures, water and sewer to mention a few. He also stated that most public safety departments are duplicated. Mr. Corrado said that a metropolitan government could look at how their services could work more efficiently. Mr. Carney stated that there has already been significant consolidation of city functions, i.e. parks, the Port Authority and Municipal Court. The only major difference is that the City of Wilmington runs a different public safety department. Mr. Pryor said he would participate in the committee, but does not see it serving a truly effective purpose unless it is structurally connected with the work of the annexation committee. Mr. Carney mentioned that with regard to the water issue, the city has its own system and it is the only reserve the state has in a drought. The two new committees will look at all the discussed issues.

Dispute Resolution

Mr. Mike Parkowski, Chairman, reviewed the Code establishing a dispute resolution panel. He proposed two resolutions establishing an arbitration panel for Comprehensive plan land use issues and one for annexations. The resolutions are basically the same with the exception of the noted time lines for each. He also mentioned that if the Council does not agree with the panel they could veto the recommendation with a 2/3rds vote. It is the Planning Department's role to ask the Council to present the dispute to the arbitration panel. Mr. Parkowski mentioned that the panel does have limits where annexation is concerned. State Planning may not have authority to do anything if the arbitration panel does not agree with them. However, they can review infrastructure impacts. Where comp plans are concerned, it will mean whether to recommend to the Governor to certify or not certify the comp plan. In arbitration cases certification will ultimately be up to the Governor. Mr. Parkowski recommended that 2 alternate panel members also be appointed in the event one member has a conflict. He also stated that the members will not be compensated for their time, however, we should look at out of pocket expenses. Mr. Carney asked at what point does a dispute exist. Mr. Parkowski stated that the Planning Department would identify any disputes and bring them first to the council so that they are familiar with the case when the arbitration panel presents it. Mr. Stickles asked where the panel would meet. Mr. Parkowski said the panel should adopt their own procedural issues. Mr. Stickles asked about term limits. The proposed resolution suggested they serve at the pleasure of the advisory council. Mr. Baker asked about the time frame for resolution of disputes. Mr. Parkowski stated that the statute dictates the time frame for both annexations and comp plan land use issues. Mr. Ross took exception to the fact that all three panel members had to have backgrounds w/ experience in dealing with land use planning issues. He stated that there are good people out there in the business sector, for example, that could give a fresh perspective on the issues. Mr. Parkowski stated that "experience in land use" really encompasses a broader group than one would think. As an example, anyone having dealt with a property sale which involved land use issues could be considered "experienced." Mr. Carney

thanked Mr. Parkowski for his work on the subcommittee and in preparing the resolutions. Mr. Carney then asked for a motion to approve the Resolution Establishing a System for Resolving Disputes Involving Comprehensive Plan Land Use Issues. Mr. Stickles followed by Ms. Baunchalk put the motion to the council. During the discussion Mr. Walling wanted added that the panel could adopt it's own procedural rules and Mr. Ross wanted the words ... background with experience... stricken from 1 c. With those changes the Resolution was put to a vote. The Resolution passed with Ms. Baunchalk, Mr. Stickles and Ms. Walling opposing. *Note:* As stated at the November 2002 meeting, a proxy vote will not be allowed. However, please note that Mr. Baker also opposed.

Mr. Carney then asked for a motion to bring to the table a vote on the Resolution Establishing a System for Resolving Disputes Between Jurisdictions Regarding Annexations. Mr. Pryor offered a motion to open discussion with Ms. Walling seconding. Mr. Ross again asked that the language ...background with experience... be stricken from 1. c. The Resolution was put to a vote and passed with Ms. Baunchalk, Mr. Stickles, Mr. Morrill and Ms. Walling opposing. *Note:* As stated at the November 2002 meeting, a proxy vote will not be allowed. However, please note that Mr. Baker also opposed.

Mr. Woodin had a question in regards to the time line differences in each resolution; number 6 on the annexation resolution (20 days) and number 5 on the comp plan (30 days). Mr. Parkowski noted that was a typo and would be corrected to read 30 days on both resolutions.

Since the meeting was running long Mr. Carney asked Mr. Phil Cherry to hand out the proposed LUPA resolution and asked the committee to review it and be prepared to vote on it's recommendation to the Governor at the next meeting. Mr. Cherry also passed out 1) a draft resolution encouraging support for DNREC and the Department of Agriculture in their efforts to develop a Green Infrastructure Network 2) Green Infrastructure Subcommittee Proposed Recommendations and 3) Green Infrastructure for a Livable Delaware Mission Statement. Mr. Carney asked the council to review them and be prepared to sign off on the proposed recommendations and mission statement and endorsement of the resolution.

Ms. Walling made a motion to adjourn which Ms. Baunchalk seconded. Mr. Carney adjourned the meeting at 3:30 p.m.

Respectfully submitted,
Pat LaRue

NEXT MEETING: MONDAY, FEBRUARY 10, 2003 AT 1:00 P.M., DEL TECH
CONFERENCE AND TRAINING CENTER, TERRY CAMPUS, DOVER, ROOM 427.